

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1891

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Chapter 105, RSMo, is amended by adding thereto
2 one new section, to be known as section 105.504, to read as
3 follows:

4 105.504. 1. No sum shall be withheld from the earnings of
5 any public employee for the purpose of paying any portion of
6 dues, agency shop fees, or any other fees paid by public employee
7 members of a public labor organization or public employees who
8 are nonmembers except upon the annual written or electronic
9 authorization of the public employee member or the public
10 employees who are nonmembers.

11 2. No public labor organization shall use or obtain any
12 portion of dues, agency shop fees, or any other fees paid by
13 public employee members of the labor organization or public
14 employees who are nonmembers to make contributions or
15 expenditures as defined in section 130.011, except with the
16 informed, written or electronic authorization of such member or
17 non-member received within the previous twelve months.

1 3. Employees who do not authorize contributions or
2 expenditures under subsection 2 of this section shall not have
3 their dues, agency shop fees, or other fees increased in lieu of
4 contributions or expenditures.

5 4. The requirements of this section shall not be waived by
6 any member or nonmember of a public labor organization and waiver
7 of the requirements shall not be made a condition of employment
8 or continued employment.

9 5. Signing or refraining from signing the authorizations
10 referred to in subsections 1 and 2 of this section shall not be
11 made a condition of employment or continued employment.

12 6. The provisions of subsection 1 and 2 of this section
13 shall not apply to public employee first responders. For
14 purposes of this section, "public employee first responder" shall
15 mean any person trained and authorized by law or rule to render
16 emergency medical assistance or treatment. Such persons may
17 include, but shall not be limited to, emergency first responders,
18 police officers, sheriffs, deputy sheriffs, firefighters,
19 ambulance attendants and attendant drivers, emergency medical
20 technicians, mobile emergency medical technicians, emergency
21 medical technician-paramedics, registered nurses, or physicians.

22 7. A public labor organization shall maintain financial
23 records substantially similar to and no less comprehensive than
24 the records that are required to be maintained pursuant to 29
25 U.S.C. Section 431(b), or any successor statute.

26 8. Every public labor organization shall provide the
27 records required under subsection 7 of this section in a
28 searchable electronic format to every employee it represents. If

1 any public labor organization fails to make such records
2 available to the employees represented by such organization, any
3 such employee shall have a cause of action against the public
4 labor organization for enforcement of this subsection. The court
5 in such action may, in its discretion, in addition to any
6 judgment awarded to the plaintiff or plaintiffs, require
7 reasonable attorney's fees and court costs to be paid by the
8 public labor organization.

9 9. Every public labor organization required to prepare any
10 record under this section shall maintain such records and any
11 additional data or summary by which the records may be verified,
12 explained, or clarified for a period of not less than five years
13 immediately preceding the preparation of such annual report.

14 10. For purposes of this section, the following terms mean:

15 (1) "Agency shop", an arrangement that requires an
16 employee, as a condition of employment or continued employment,
17 either to join a recognized public labor organization or to pay
18 such organization a service fee;

19 (2) "Public labor organization", any organization that
20 exists and is constituted for the purpose, in whole or in part,
21 of collective bargaining or dealing with public employers
22 concerning grievances, terms, conditions of employment, or other
23 mutual aid or protection.